

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

THOMAS ANGSTMAN; TRACEY  
ANGSTMAN; S.A., a minor, by and  
through his GUARDIAN AD LITEM  
KRISTINE ANGSTMAN; S.A., a minor,  
by and through her GUARDIAN AD  
LITEM KRISTINE ANGSTMAN

Plaintiffs,

v.

CARLSBAD SEAPOINT RESORT II,  
L.P., *et al.*,

Defendants.

Civil No. 11cv62 L(WMc)

**ORDER GRANTING EX PARTE  
MOTION FOR APPOINTMENT OF  
GUARDIAN AD LITEM FOR S.A.  
AND S.A. [doc. #5]**

Petitioner Kristine Angstman moves to be appointed as guardian ad litem to represent the interests of the two minor plaintiffs in this action. Kristine Angstman is the paternal aunt of the minor plaintiffs.

Federal Rule of Civil Procedure 17(c)(2) provides that a minor may sue through a guardian ad litem or by next friend, but a court must formally appoint the guardian ad litem to protect the unrepresented minor. *See Watson v. County of Santa Clara*, 468 F. Supp.2d 1150, 1155 (N.D. Cal.2007). In determining “what factors or procedures to use when appointing the guardian ad litem” or next friend, a court focuses on “the protection of the [minor's] interests.” *Gibbs v. Carnival Cruise Lines*, 314 F.3d 125, 135-36 (3d Cir.2002).


1 The proposed guardian ad litem, Kristine Angstman, is not a party to this action.  
2 Although not specifically stated in the ex parte motion and declaration, it does not appear that  
3 she has a personal financial interest in the outcome of the litigation or any interests adverse to  
4 the minor plaintiffs or any other reason why she might not protect their interests. Kristine  
5 Angstman has made an adequate showing that she will act in good faith to protect the minor  
6 plaintiffs' interests and therefore, she will be appointed guardian ad litem for both minor  
7 children.

8 After a court appoints a guardian ad litem to represent a minor child, the guardian ad  
9 litem must retain a lawyer, because the non-lawyer guardian may not appear as an attorney for  
10 anyone other than himself. *See Johns v. County of San Diego*, 114 F.3d 874, 877 (9th Cir.1997).  
11 The Law Offices of Craig P. Fagan has been engaged to represent the plaintiffs, including the  
12 minor plaintiffs, in this action.

13 Based on the foregoing, Kristine Angstman's ex parte motion for appointment of guardian  
14 ad litem for minor plaintiffs S.A. and S.A. is **GRANTED**.

15 **IT IS SO ORDERED.**

16 DATED: January 24, 2011

17   
18 M. James Lorenz  
United States District Court Judge

19 COPY TO:

20 HON. WILLIAM McCURINE, JR.  
21 UNITED STATES MAGISTRATE JUDGE

22 ALL PARTIES/COUNSEL  
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